

UNITED STATES DISTRICT COURT FOR
EASTERN DISTRICT OF NEW YORK

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|----------------------------------------------------------|---|----------------------------------|
| ----- | X | |
| Oscar Cruz, Mynor Polanco, Carlos Vasquez, and | : | Case No. 2:23-cv-9200 (GRB)(ARL) |
| German DeJesus Portillo, | : | |
| | : | |
| Plaintiffs, | : | DEFENDANTS' AMENDED |
| | : | RESPONSES TO PLAINTIFFS' |
| | : | FIRST REQUEST |
| - against - | : | FOR PRODUCTION TO |
| | : | <u>DEFENDANTS</u> |
| Demarco Bros Landscaping & Tree Service Corp d/b/a | : | |
| Frank Giovinazzo Tree Service d/b/a Frank Giovinazzo | : | |
| North Shore Tree Service d/b/a North Shore Tree Service, | : | |
| and Theodore Passelis, | : | |
| | : | |
| Defendants. | : | |
| ----- | X | |

In accordance with this Court's Order rendered by the Honorable Arlene R. Lindsay, U.S.M.J. on the 4th day of March, 2025 and Rule 34 of the Federal Rules of Civil Procedure, Defendants Demarco Bros Landscaping & Tree Service Corp d/b/a Frank Giovinazzo Tree Service d/b/a Frank Giovinazzo North Shore Tree Service d/b/a North Shore Tree Service ("Demarco"), and Theodore Passelis (all collectively referred to as "Defendants"), by and through their attorneys, The Law Offices of Michael P. Giampilis, P.C., hereby submits the Defendants' Amended Response to Plaintiffs' First Request for Production to Defendants dated October 30, 2024 (the "Response") as follows:

DOCUMENTS REQUESTED

1. In response to this demand, any and all time records in the possession of Defendants for opt-in plaintiff German DeJesus Portillo are attached hereto as Exhibit "A" and, any and all time records, in the possession of Defendants, for plaintiffs Oscar Cruz, Mynor Polanco, and Carlos Vasquez are included herein by

reference to the previously delivered documents served on plaintiffs' counsel's office via email on April 16, 2024, and April 23, 2024, in accordance with the Court's FLSA Initial Discovery and Mediation Referral Order dated February 5, 2024 ("FLSA Document Order"), and subsequent Court Order dated April 15, 2024, extending the FLSA Document Order deadlines. These documents were kept in the usual course of Demarco's business and no responsive materials are being purposely withheld on the basis of any objections, or otherwise.

2. In response to this demand, any and all pay records in the possession of Defendants for opt-in plaintiff German DeJesus Portillo are attached hereto as Exhibit A and, any and all pay records, in the possession of Defendants, for plaintiffs Oscar Cruz, Mynor Polanco, and Carlos Vasquez are included herein by reference to the previously delivered documents served on plaintiffs' counsel's office via email on April 16, 2024, and April 23, 2024, in accordance with the Court's FLSA Document Order, and subsequent Court Order dated April 15, 2024, extending the FLSA Document Order deadlines. These documents were kept in the usual course of Demarco's business and no responsive materials are being purposely withheld on the basis of any objections, or otherwise.
3. In response to this demand, any and all checks issued to plaintiffs in the possession of Defendants for opt-in plaintiff German DeJesus Portillo are attached hereto as Exhibit A and, any and all checks in the possession of Defendants for plaintiffs Oscar Cruz, Mynor Polanco, and Carlos Vasquez are included herein by reference to the previously delivered documents served on plaintiffs' counsel's office via email on April 16, 2024, and April 23, 2024, in accordance with the

- Court's FLSA Document Order, and subsequent Court Order dated April 15, 2024, extending the FLSA Document Order deadlines. These documents were kept in the usual course of Demarco's business and no responsive materials are being purposely withheld on the basis of any objections, or otherwise.
4. In response to this demand, any and all documents furnished to plaintiffs with each payment of wages, in the possession of Defendants, for opt-in plaintiff German DeJesus Portillo are attached hereto as Exhibit A and, any and all checks, in the possession of Defendants, for plaintiffs Oscar Cruz, Mynor Polanco, and Carlos Vasquez are included herein by reference to the previously delivered documents served on plaintiffs' counsel's office via email on April 16, 2024, and April 23, 2024, in accordance with the Court's FLSA Document Order, and subsequent Court Order dated April 15, 2024, extending the FLSA Document Order deadlines. These documents were kept in the usual course of Demarco's business and no responsive materials are being purposely withheld on the basis of any objections, or otherwise.
- 5.
1. Defendants are currently not in possession of any of the requested documents. No responsive materials are being purposely withheld on the basis of any objections, or otherwise.
 2. Defendants are currently not in possession of any of the requested documents. No responsive materials are being purposely withheld on the basis of any objections, or otherwise.

3. Defendants are currently not in possession of any of the requested documents.
No responsive materials are being purposely withheld on the basis of any objections, or otherwise.
4. Defendants are currently not in possession of any of the requested documents.
No responsive materials are being purposely withheld on the basis of any objections, or otherwise.
6. None. No responsive materials are being purposely withheld on the basis of any objections, or otherwise.
7. None. No responsive materials are being purposely withheld on the basis of any objections, or otherwise.
8. None. No responsive materials are being purposely withheld on the basis of any objections, or otherwise.
9. None. No responsive materials are being purposely withheld on the basis of any objections, or otherwise.
10. None. No responsive materials are being purposely withheld on the basis of any objections, or otherwise.
11. None. No responsive materials are being purposely withheld on the basis of any objections, or otherwise.
12. None. No responsive materials are being purposely withheld on the basis of any objections, or otherwise.
14. None. No responsive materials are being purposely withheld on the basis of any objections, or otherwise.